

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, AUGUST 1, 2016 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

FELLERS Having been appointed to read the minutes of the City Council proceedings of July 25, 2016, reported having done so, found same correct.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Public Safety Director Tom Casady came forward on behalf of Mayor Beutler to present the Mayor's Award of Excellence for the month of June, 2016, to Lincoln Police Officer Brian Ward. Officer Ward has been with the Police Department for 23 years, and currently works on the Center Team. Officer Ward was nominated by his Captain, Jason Stille, in the Category of Customer Relations and Productivity. Officer Ward was primarily selected for his efforts in solving a bank robbery. Captain Stille says that Officer Ward's discipline, instinct and dedication to the citizens of Lincoln are seldom matched. The most recent occurred during a bank robbery on May 2, 2016. Officer Ward responded and saw a person who matched the description, which was rather vague. This person was riding a bicycle about 10 blocks away from where the robbery took place. Officer Ward was on his way to the bank to respond to the call, and felt this individual was close enough to the description to be checked out. Officer Ward called other Officers as he continued on his way to the bank, and coordinated the efforts of the officers to stop this individual on the bicycle. The individual tried to elude the officers and was quickly taken into custody. The individual was found to be in possession of all the money stolen from the bank, as well as carrying clothing that were later found on the bank surveillance video. Captain Stille wrote the bank robbery was cleared in less than 15 minutes due in large part of Officer Ward's instinct and experience. This is an example of a great case, but is typical for Officer Ward's work product. Another example took place a few months earlier involving the theft of an expensive amount of camera equipment that was stolen from a vehicle. Officer Ward was handling another call, but when he overheard a suspicious report over the radio of a suspicious person selling camera equipment from a trailer that was being pulled by a bicycle, he looked for that person, found the suspect that was described, and found the camera gear that was determined to be stolen. Captain Stille writes that each day Brian Ward demonstrates his experience as a veteran officer. He provides an excellent role model for new officers and shows great compassion to serve the citizens of Lincoln. It is the Mayor's pleasure to present Officer Ward with the Mayor's Award of Excellence for the month of June, 2016.

Jeff Bliemeister, Chief of Police, came forward and shared he has known Officer Ward for a very long time and had the opportunity to work with Officer Ward when Chief Bliemeister was at the Sheriff's Office. Mr. Ward's involvement in the robbery cases is very typical of actions that he has done in the past. Officer Ward was very instrumental and timely in a dynamic incident involving Sheriff's Officer personnel a few years ago, and his assistance led to a successful conclusion of that event.

Officer Brian Ward came forward and thanked the Council and his family.

PUBLIC HEARING

APPLICATION OF RACHEL RICE-MATSON DBA TOP HAT TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 32 FEET BY 35 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 44 FEET BY 60 FEET AT 736 WEST CORNHUSKER HIGHWAY ON AUGUST 6, 2016 FROM 2:00 P.M. TO 1:00 A.M. (7/25/16 - PUBLIC HEARING & ACTION CONT'D TO 8/1/16) - Rachel Rice-Matson, 7101 Holdrege, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #3515 FOR A CLASS D LIQUOR LICENSE AT 110 NORTHWEST 20TH STREET;
MANAGER APPLICATION OF TINA M. KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #3515 AT 110 NORTHWEST 20TH STREET - Michelle Crites, Casey's District Manager, 2111 SW 18th, came forward to take the oath and requested approval.

This matter was taken under advisement.

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APPLICATION OF HEINEGILL, INC. DBA DISH RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 1100 O STREET;

MANAGER APPLICATION OF MARYPAT D. HEINEMAN FOR HEINEGILL, INC. DBA DISH RESTAURANT AT 1100 O STREET - Marypat Heineman, 1025 S. 36th, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF JEREMIAH D. JORGENSEN FOR SAM'S WEST, INC. DBA SAM'S CLUB #6413 AT 4900 NORTH 27TH STREET - Jeremiah Jorgensen, 3800 W. Springview Road, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

MANAGER APPLICATION OF KATRIN ZIMMERMAN FOR SOONERS OR LATER, INC. DBA BUFFALO WILD WINGS AT 8701 ANDERMATT DRIVE - Katrin Zimmerman, 4621 Happy Hollow Court, applicant, came forward to take the oath and requested approval.

This matter was taken under advisement.

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR AN ADDITION TO THEIR LICENSED PREMISES TO ADD THE ENTIRE CAVE COMPLEX AT 925 ROBBERS CAVE ROAD - Brian Podwinski, 9322 S. 28th, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 176 FEET BY 83 FEET BY 56 FEET, LABELED STADIUM TERRACE, AN OUTDOOR AREA MEASURING APPROXIMATELY 1,222 FEET BY 490 FEET, LABELED FESTIVAL SPACE, AND AN OUTDOOR AREA MEASURING APPROXIMATELY 2,082 FEET BY 18 FEET, LABELED PEDESTRIAN BRIDGE, AT PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON AUGUST 18, 19, & 20, 2016 FROM 11:00 A.M. TO 1:00 A.M. - Tom Lorenz, General Manager of Pinnacle Bank Arena, applicant, came forward and requested approval.

This matter was taken under advisement.

APPLICATION OF EMPYREAN BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 50 FEET BY 50 FEET AT 300 SOUTH 7TH STREET ON AUGUST 18, 2016 FROM 5:00 P.M. TO 11:00 P.M. - Jim Engelbart, 3340 Franklin Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1-15, 2016 - Mark Smith, 545 N. 6th, Seward, came forward and stated there was a high speed chase that started at 10th and Cornhusker, and ended at 27th and Fair. His son lives in a duplex on 28th and Fair. Mr. Smith's son had his pickup truck that was parked in front of the duplex. The suspect of the high speed chase was drunk, with no license, and no insurance hit the pickup truck.

Jon Camp, Council Member, asked for more clarification on the McFarland claim.

Roy Christensen, Council Member, explained he has been in contact with Mr. and Mrs.

McFarland, and Public Works. Mr. Christensen asked Public Works and Law to take another look at the McFarland claim along with 4 residence in the same neighborhood that the damage could have been caused by a sewer backup on May 9, 2016.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY UNION COLLEGE FOR CONSTRUCTION OF SEATING WALLS, COLUMNS, ARCHES, LIGHTING FEATURES, AND MONUMENT WALLS AT SOUTH 48TH STREET AND PRESCOTT AVENUE - Bob Simmering, Engineering Services Manager with Public Works, came forward and shared there was a request from Union College related to a remodeling project they are working on. The project includes building a sidewalk and arches over the sidewalk. The two arches will be built in the public right-of-way, which is in excess of 80 feet. A clear zone will be maintained from the monument to the curb in excess of 8 feet. There is one utility conflict, which is being addressed with a relocation of a short section of a water line.

Trent Fellers, Council Member, asked if these arches will match existing arches that are already at the College.

Mr. Simmering confirmed the arches that will be built do match existing arches.

Matthew Roque, 3800 S. 48th Street, applicant, came forward representing Union College, and explained Union College has been around for 125 years, and the College feels it is time to have a front end to the campus. The project will be between \$500,000 and \$600,000. The college is working with Public Works to resolve the small utility issue.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND SELECTRON TECHNOLOGIES, INC. FOR AN INTEGRATED INTERACTIVE VOICE RESPONSE SYSTEM, PURSUANT TO RFP 16-102, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE YEAR TERM - Lana Tolbert, Building and Safety, came forward and asked for a delay.

This matter was taken under advisement.

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO EXPAND THE LIST OF OUTDOOR AND INDOOR CITY OWNED LOCATIONS WHERE ALCOHOLIC BEVERAGES CAN BE SERVED FOR SPECIFIC ACTIVITIES AND EVENTS - Lynn Johnson, Director of Parks and Recreation, came forward and stated generally alcoholic beverages are not allowed in public parks. Over time, there has been exceptions added to the ordinance. There are provision in the Lincoln Municipal Code to allow for 6 outdoor locations where alcohol can be served during fundraising activities that benefit a City Department. The Parks and Recreation Department has had 1 to 2 events per year and there are times when the weather can be an issue and it is a struggle to find an indoor location to move an event if necessary, in the event the weather does not cooperate. Part of the intent of this request is to add 2 indoor locations that can serve as the backup location for an outdoor event. The 2 locations to be added are the Jayne Snyder Trail Center at Union Plaza and Auld Pavilion in Antelope Park. The Stage at Pinewood Bowl is requested to be added. The Parks Foundation had a nice event there around 4 years ago but alcohol was not allowed. There is a provision that states Parks and Recreation is to work with the operator of Pinnacle Bank Arena for any event at the Pinewood Bowl and the intent is to clarify the language that the contracted manager of the Pinnacle Bank Arena has the ability to serve alcohol during events at Pinewood Bowl. There are 2 more provisions at Tower Square. Parks met with the Internal Liquor Committee and the recommendation of that Committee was to amend Tower Square out of the proposal, and there will be a motion to amend to follow that recommendation. The intent is for additional discussion regarding allowing alcohol at Tower Square, and, if so, under what conditions and what guidelines would be in place for that.

Jon Camp, Council Member, asked how many possible events would be scheduled and how many would be around the time to possibly be rained out.

Mr. Johnson clarified last year 1 event was rained out. The ordinance allows for non-profit organizations that are organized specifically for the benefit of a City Department. Right now, those departments consist of Parks and Recreation Foundation, Lincoln Library Foundation, and the Foundation associated with Aging Partners. Any one of those non-profit organizations can request an event. Most times it is the Lincoln Parks Foundation and the Friends of Pioneers Park Nature Center that have had events on an annual basis. Typically, there are 1 to 3 events scheduled per year and being rained out in the future is a very rare situation.

Mr. Camp asked if the facility would only be used in case of rain.

Mr. Johnson said the way it is written, there could be an event scheduled directly into one of those facilities. The intent is always to use the attractive outdoor facilities. So while the indoor facility can have events scheduled directly in the facility, it is the intent to use it primarily as the backup option.

Leirion Gaylor Baird, Council Chair, asked for clarification on how fundraisers can benefit the specific departments.

Mr. Johnson clarified the fundraising events are to help raise funds for specific projects. When the foundation has had a capital campaign the fundraisers have helped raise funds for the capital campaign. The events that are scheduled are also to reach out to the base of people who support the Lincoln Parks Foundation. This is also an important part in donor stuartship and these events simply help to say thank you to the individuals who have been instrumental in capital campaign. This is also a good way to reach out to the donors in a variety of ways.

Carl Eskridge, Council Member, clarified the reason the Liquor Committee recommended the amendment regarding Tower Square was because that area could be also utilized by Downtown Lincoln Association and could potentially block off the street and asked for Mr. Johnson's input on the potential of that.

Mr. Johnson stated the proposal to allow alcohol to be served in Tower Square was really guided by interest in having events Downtown and perhaps have music events and gatherings that would activate Tower Square as a Downtown activity center. This is a very different provision that has been seen in the past. Parks wants to be very sensitive in the way they handle this because there are residents in the neighborhood and running businesses. It is appreciated that the Committee does want to look into the guidelines that will be in place.

Ms. Gaylor Baird asked for an explanation of the Jayne Snyder Trail Center and the restaurant that was mentioned in the staff report.

Mr. Johnson clarified the amendment to the ordinance does include the Jayne Snyder Trail Center which is the indoor space that is located on the south end of the building in Union Plaza that is located at 21st and Q Street. This will allow 1 of the 3 condominium owners to serve alcohol in that space in the Jayne Snyder Trail Center under written agreement. The owners of the Hub Café have approached the Parks Department who would, on occasion, like to have events at the Jayne Snyder Trail Center. If this is moved forward this would allow for a written agreement between the City and the owners of the Hub Café which would allow them to serve alcohol in that space for their events.

Cyndi Lamm, Council Member, asked if the Hub Café would also be having fundraisers.

Mr. Johnson shared Hub Café would not be having fundraisers, but could have special dinners or events that would require them to expand their seating capacity, and would have the ability to use the Trail Center on occasion. As of now, they would be allowed to serve dinner in that space, but would not be able to serve alcohol.

Mr. Camp asked in the case of Hub Café, would they be required to get a special permit, or a blanket liquor license to serve alcohol at the Trail Center.

Mr. Johnson stated either approach would be fine. Hub Café, in the past, has expressed expanding their liquor license to cover the Trail Center to not have to get a special permit every time they intend to use the facility. Those are details that have not been worked out, but upon a written agreement, it would be specified how Hub Café will obtain a license to serve alcohol.

Mr. Camp expressed concern with a business having a full time liquor license that covers a park facility.

Mr. Johnson stated if there is concern they can go forward with getting a Special Designated License when Hub Café intends to use the facility.

Mr. Camp said an SDL might be the better route to see how the events go with alcohol. Allowing a business to have a liquor license to cover a park could mean other restaurants might want to attempt to do the same thing in other locations such as the Tower Square.

Susan Larson Rodenburg, Lincoln Parks Foundation, came forward and stated Lincoln Parks Foundation raised money for projects that are above and beyond the City's annual funding for general maintenance and capital funds. The Parks Foundation has raised about \$21 million over the years for some big projects throughout the City. The amendment is very important to have fundraisers in certain parks to show the work that has been done, and to continue to raise funds. There will not be a lot of intended fundraising events in the parks, but it is desired to have at least 1 event per year.

Mr. Camp asked what is the intent as far as what alcohol will be served.

Ms. Larson Rodenburg stated wine and beer is what they have served in the past.

****Council Member Fellers left Chambers at 5:51 P.M.****

Mr. Johnson said that in the past, they had 1 event that had a cash bar that served hard liquor, but that is uncommon at a fundraising event. Beer and wine would be the only intent. Discussion followed.

Mr. Camp clarified that, when these events take place that have wine and beer, that is it adults only.

****Council Member Fellers returned to Chambers at 5:53 P.M.****

Mr. Johnson stated that when there is a fundraising event at a park it is closed off to the general public and they comply with the liquor control regulations and it is an adult only event.

Krista Ditman, 250 N 21st St, Suite 3, Owner of Hub Café, came forward in support.

Mr. Camp asked if applying for an SDL when wanting to use the Trail Center was something that would work for Hub Café.

Ms. Ditman shared she would be willing to follow whatever recommendation and all Liquor Commission regulations.

Mr. Eskridge explained that, typically, when it is a space that an individual does not occupy all the time an SDL is the appropriate way to handle that.

Jeremiah Moore, 4509 Grassridge Road, came forward and stated he has worked 12 years in Lincoln promoting concerts and concert productions. His desire would be to utilize the Tower Square for outdoor events if the Tower Square is approved to serve alcohol.

Mr. Eskridge stated the Bourbon Theatre, which Mr. Moore is part owner of, hosted a concert in 2015 and he received complaints for a number of individuals who complained about the noise level of the concert, and with an outdoor event those same complaints can happen. It is also a concern breaking down a stage and concession stands at 4 a.m. after a concert and the noise that might cause to surrounding residents and the disruption to college students. There are a number of things that must be resolved before allowing Tower Square to be utilized for outdoor events.

Trent Fellers, Council Member, asked if Tower Square was the only option to have an outdoor event, or could one of the other approved outdoor areas work for an outdoor event, and if the goal was to have an event at Tower Square every year.

Mr. Moore stated another area could work, however, he was trying to have more of the Downtown feel when having an outdoor concert or event. This would help with the growth of Lincoln and keeping the Downtown Lincoln scene relevant. Ideally, he would like to create a series and start off with an event and continue to plan events and work out issues, if any, from previous events. Discussion followed.

Mr. Camp expressed concern about the City's transportation system and shutting down a downtown street, the surrounding residents, and the surrounding businesses gain from events that are sponsored by certain businesses.

Mr. Moore clarified that it might seem that the event is for one person's gain or one businesses gain. It is not the intent to take away from any other businesses gain. They would like to have surrounding restaurants not the concession stands at the outdoor event and would work with the Downtown Lincoln Association. They would like to use non-profit organizations to be able to promote their organization. They might be disrupting some businesses the day of the event but they would also be bringing thousands of people into the area to see the surrounding businesses. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND NEBRASKA SOYBEAN BOARD FOR BIODIESEL SUBSIDY PROGRAM (STARTRAN), PURSUANT TO QUOTE NO. 5358, FOR A TERM BEGINNING UPON EXECUTION OF THE CONTRACT THROUGH DECEMBER 2, 2017 WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS - CLERK read the following resolution, introduced by Carl Eskridge, who moved it adoption:

A-89885 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract between the City of Lincoln and Nebraska Soybean Board for the Biodiesel Subsidy Program (StarTran), pursuant to Quote No. 5358, for a term beginning upon execution of the contract through December 2, 2017, with the option to renew for three (3) additional one (1) year terms, upon the terms and condition as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON JULY 21, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 16049, TO SPECIAL PERMIT #581, CANDLE TREE AT REGENCY CUP, APPROVED BY THE PLANNING DIRECTOR ON JULY 21, 2016, TO REVISE BUILDING SETBACKS TO 30' ON THE NORTH AND WEST, 50' ON THE SOUTH AND EAST, AND 25' ALONG CANDLETREE LANE, IN ORDER TO REFLECT EXISTING CONDITIONS; AND TO APPROVE A VARIANCE OF ONE FOOT AT IDENTIFIED POINTS TO ACCOMMODATE EXISTING STRUCTURES, GENERALLY LOCATED AT A STREET AND REGENCY DRIVE.

LIQUOR RESOLUTIONS

APPLICATION OF RACHEL RICE-MATSON DBA TOP HAT TAVERN FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 32 FEET BY 35 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 44 FEET BY 60 FEET AT 736 WEST CORNHUSKER HIGHWAY ON AUGUST 6, 2016 FROM 2:00 P.M. TO 1:00 A.M. (7/25/16 - PUBLIC HEARING & ACTION CONT'D TO 8/1/16) - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89886 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Rachel Rice-Matson dba Top Hat Tavern for a special designated license to cover an indoor area measuring approximately 32 feet by 35 feet and an outdoor area measuring approximately 44 feet by 60 feet at 736 West Cornhusker Highway, Lincoln, Nebraska, on August 6, 2016, between the hours of 2:00 p.m. and 1:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #3515 FOR A CLASS D LIQUOR LICENSE AT 110 NORTHWEST 20TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

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A-89887 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #3515 for a Class "D" liquor license at 110 Northwest 20th Street, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF TINA M. KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #3515 AT 110 NORTHWEST 20TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89888 WHEREAS, Casey's Retail Company dba Casey's General Store #3515 located at 110 Northwest 20th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Tina M. Krings be named manager;

WHEREAS, Tina M. Krings appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Tina M. Krings be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF HEINEGILL, INC. DBA DISH RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 1100 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89889 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of HeineGill, Inc. dba Dish Restaurant for a Class "I" liquor license at 1100 O Street, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF MARYPAT D. HEINEMAN FOR HEINEGILL, INC. DBA DISH RESTAURANT AT 1100 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89890 WHEREAS, HeineGill, Inc. dba Dish Restaurant located at 1100 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Marypat D. Heineman be named manager;

WHEREAS, Marypat D. Heineman appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Marypat D. Heineman be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JEREMIAH D. JORGENSEN FOR SAM'S WEST, INC. DBA SAM'S CLUB #6413 AT 4900 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89891 WHEREAS, Sam's West, Inc. dba Sam's Club #6413 located at 4900 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jeremiah D. Jorgensen be named manager;

WHEREAS, Jeremiah D. Jorgensen appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jeremiah D. Jorgensen be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF KATRIN ZIMMERMAN FOR SOONERS OR LATER, INC. DBA BUFFALO WILD WINGS AT 8701 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89892 WHEREAS, Sooners or Later, Inc. dba Buffalo Wild Wings located at 8701 Andermatt Drive, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Katrin Zimmerman be named manager;

WHEREAS, Katrin Zimmerman appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Katrin Zimmerman be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING COMPANY FOR AN ADDITION TO THEIR LICENSED PREMISES TO ADD THE ENTIRE CAVE COMPLEX AT 925 ROBBERS CAVE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89893 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Blue Blood Brewing Company, Inc. dba Blue Blood Brewing Company to expand its licensed premises by the addition of the entire cave complex, at 925 Robbers Cave Road, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF SMG FOOD & BEVERAGE, LLC FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 176 FEET BY 83 FEET BY 56 FEET, LABELED STADIUM TERRACE, AN OUTDOOR AREA MEASURING APPROXIMATELY 1,222 FEET BY 490 FEET, LABELED FESTIVAL SPACE, AND AN OUTDOOR AREA MEASURING APPROXIMATELY 2,082 FEET BY 18 FEET, LABELED PEDESTRIAN BRIDGE, AT PINNACLE BANK ARENA AT 400 PINNACLE ARENA DRIVE ON AUGUST 18, 19, & 20, 2016 FROM 11:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89894 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of SMG Food & Beverage, LLC for a special designated license to cover an outdoor area measuring approximately 176 feet by 83 feet by 56 feet, labeled Stadium Terrace, an outdoor area measuring approximately 1,222 feet by 490 feet, labeled Festival Space, and an outdoor area measuring approximately 2,082 feet by 18 feet at Pinnacle Bank Arena at 400 Pinnacle Arena Drive, Lincoln, Nebraska, on August 18, 19, & 20, 2016, between the hours of 11:00 a.m. and 1:00 a.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

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1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF DOWN THE HATCH, INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 30 FEET BY 80 FEET AT 5601 NORTHWEST 1ST STREET ON AUGUST 13, 2016 FROM NOON TO 8:00 P.M. -PRIOR to reading:

CAMP Moved to delay Public Hearing & Action 1 week to 08/08/16.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Feller, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF EMPYREAN BREWING CO. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN INDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 70 FEET AND AN OUTDOOR AREA MEASURING APPROXIMATELY 50 FEET BY 50 FEET AT 300 SOUTH 7TH STREET ON AUGUST 18, 2016 FROM 5:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-89895 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Empyrean Brewing Co. for a special designated license to cover an indoor area measuring approximately 70 feet by 70 feet and an outdoor area measuring approximately 50 feet by 50 feet at 300 South 7th Street, Lincoln, Nebraska, on August 18, 2016, between the hours of 5:00 p.m. and 11:00 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fellers & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JULY 1-15, 2016 - PRIOR to reading:

CHRISTENSEN Moved to remove Wells, McFarland, and Harder from the DENIED CLAIMS list.

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved it adoption:

A-89896 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated July 18, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
David Harrison	NAS*	Deborah Jones	\$232.53
Steve & Barbie Wells	\$8,217.00		
James & Margaret McFarland	643.75		
Kirk Botts	11,500,000.00		
Sandra & William Harder	10,280.76		
Mark Smith	6,869.46		
James Kintzle	166.81		
Michael Hart	830.93		

	<u>L.E.S CLAIMS</u>	<u>ALLOWED/SETTLED CLAIMS</u>	
<u>DENIED CL AIMS</u>			
Colliers International	\$5,912.95	Phoenix Loss Control	
Phoenix Loss Control		o/b/o Time Warner	\$438.75
o/b/o Time Warner	1,229.70	European Auto Tech	96.47
Randy Borg	1,400.00	Phoenix Loss Control	
Dr. Alex Kallio/Comfort Family		o/b/o Time Warner	438.75
Chiropractic	2,087.64	Michael Meyer	389.26
Phoenix Loss Control			
o/b/o Time Warner	455.00		
Phoenix Loss Control			
o/b/o Time Warner	438.75		
* No Amount Specified			

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Carl Eskridge

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY UNION COLLEGE FOR CONSTRUCTION OF SEATING WALLS, COLUMNS, ARCHES, LIGHTING FEATURES, AND MONUMENT WALLS AT SOUTH 48TH STREET AND PRESCOTT AVENUE - CLERK read the following resolution, introduced by Carl Eskridge, who moved it adoption:

A-89897 WHEREAS, Union College has submitted an application for a permit to use approximately 350 square feet of South 48th Street and Prescott Avenue public right-of-way abutting the property located at 3800 South 48th Street and 4801 Prescott Avenue for construction of seating walls, columns, arches, lighting features, and monument walls at this location; and

WHEREAS, said applicant has submitted a letter of application and a site plan details which are attached hereto, marked as Exhibit "A", Exhibit "B", Exhibit "C", and Exhibit "D" respectively, and made a part of this resolution by reference, to use the South 48th Street and Prescott Avenue public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of Union College to use approximately 350 square feet of South 48th Street and Prescott Avenue public right-of-way abutting the property located at 3800 South 48th Street and 4801 Prescott Avenue for the purpose of constructing seating walls, columns, arches, lighting features, and monument walls, be granted as a privilege only by virtue of and subject to strict compliance with the plans, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000.00, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregated for any one occurrence, and the payment of the annual fee of \$175.00 (350 square feet @ \$.50 per foot) for the use of the surface of the public right-of-way.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, his heirs, successors, or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the South 48th Street and Prescott Avenue public way requested herein.

4. The applicant shall require his contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.

5. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

6. The use of the public way herein granted and the terms and conditions of the resolution shall be binding and obligatory upon the above-named applicant, his successors, and assigns.

7. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Carl Eskridge

Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

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APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND SELECTRON TECHNOLOGIES, INC. FOR AN INTEGRATED INTERACTIVE VOICE RESPONSE SYSTEM, PURSUANT TO RFP 16-102, FOR A FOUR YEAR TERM WITH THE OPTION TO RENEW FOR ONE ADDITIONAL ONE YEAR TERM - PRIOR to reading:

ESKRIDGE Moved to continue Public Hearing and Action to 09/12/16.

Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO EXPAND THE LIST OF OUTDOOR AND INDOOR CITY OWNED LOCATIONS WHERE ALCOHOLIC BEVERAGES CAN BE SERVED FOR SPECIFIC ACTIVITIES AND EVENTS - CLERK read an ordinance, introduced by Carl Eskridge, an ordinance amending Section 12.08.270 of the Lincoln Municipal Code relating to Alcoholic Liquor Prohibited; Exceptions and Permit Requirements to include Tower Square, Auld Pavilion, and Jayne Snyder Trails Center in subsections (c) and (d); and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the second time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS

CREATING RE-PAVING DISTRICT 159 IN SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Jane Raybould, creating Re-Paving District No. 159, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and laying of sidewalks, providing for the payment of the cost thereof, designating the property to benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20356**, is recorded in Ordinance Book 31.

CHANGE OF ZONE 16018 - APPLICATION OF ST. PATRICK CATHOLIC CHURCH FOR A CHANGE OF ZONE ON LOTS 1-18, BLOCK 44, HAVELOCK FROM O-3 OFFICE PARK DISTRICT TO R-4 RESIDENTIAL DISTRICT AND TO DESIGNATE LOTS 1-18, BLOCK 44 AND LOTS 1-7, BLOCK 61, HAVELOCK AS AN R-4 PLANNED UNIT DEVELOPMENT DISTRICT ON PROPERTY GENERALLY LOCATED AT 6111 MORRILL AVENUE - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20357**, is recorded in Ordinance Book 31.

CHANGE OF ZONE 16019 - APPLICATION OF FRIEDA BUSKIRK FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 1430 SOUTH FOLSOM STREET - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20358**, is recorded in Ordinance Book 31.

STREET & ALLEY VACATION 16003 - VACATING A PORTION OF THE WEST ONE-HALF OF SOUTH 98TH STREET RIGHT-OF-WAY SOUTH OF THE INTERSECTION WITH ANDERMATT DRIVE - CLERK read an ordinance, introduced by Jane Raybould, vacating a portion of the west one-half of South 98th Street right-of-way south of the intersection with Andermatt Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20359**, is recorded in Ordinance Book 31.

APPROVING THE SECOND MANAGEMENT AGREEMENT FOR PINNACLE BANK ARENA BETWEEN THE CITY OF LINCOLN AND SMG FOR THE OPERATION AND MANAGEMENT OF PINNACLE BANK ARENA AND OTHER FACILITIES FOR A THREE YEAR TERM COMMENCING SEPTEMBER 1, 2016 WITH THE OPTION TO RENEW FOR ONE ADDITIONAL THREE YEAR TERM - CLERK read an ordinance, introduced by Jane Raybould, whereas, SMG, a Pennsylvania general partnership, currently operates and manages the Arena Site (including the Pinnacle Bank Arena, Arena Garage, and other improvements located thereon), Arena Surface Lot (Festival Space) and Pinewood Bowl, collectively the "Facilities", on behalf of the City and for the benefit of the citizens of the City of Lincoln, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20360**, is recorded in Ordinance Book 31.

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 20341 WHICH ONLY INCLUDE A PORTION OF LOT 102 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA TO REVISE THE LEGAL DESCRIPTION OF THE ANNEXATION TO INCLUDE ALL OF SAID LOT 102 I.T. TO CONFORM TO THE CORPORATE LIMITS MAP ATTACHED TO AND MADE A PART OF ORDINANCE NO. 20341 - CLERK read an ordinance, introduced by Jane Raybould, amending Section 1 of Ordinance No. 20341 which annexed Lot 45 and a portion of Lot 102 of Irregular Tracts, located in the Southeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska to revise the legal description of the annexation to include all of said Lot 102 I.T. to conform to the Corporate Limits Map attached to and made part of Ordinance No. 20341, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20361**, is recorded in Ordinance Book 31.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 20342 WHICH ONLY INCLUDE A PORTION OF LOT 102 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA TO REVISE THE LEGAL DESCRIPTION OF CHANGE OF ZONE 15036 TO INCLUDE ALL OF SAID LOT 102 I.T. AS INTENDED BY THE REQUEST FOR ORDINANCE AND FACT SHEET FOR SAID CHANGE OF ZONE - CLERK read an ordinance, introduced by Jane Raybould, amending Section 2 of Ordinance No. 20342 which rezoned a portion of Lot 102 Irregular Tract, located in the Southeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska to R-4 Residential District to revise the legal description of Change of Zone 15036 to include all of said Lot 102 I.T. as reflected in the Request for Ordinance and Fact Sheet for said Change of Zone, the third time.

RAYBOULD Moved to pass the ordinance as read.

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The ordinance, being numbered **#20362**, is recorded in Ordinance Book 31.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO INCREASE RECYCLING IN LINCOLN BY REQUIRING WASTE HAULERS TO OFFER CURBSIDE RECYCLING SERVICE TO CUSTOMERS, DIVERTING CORRUGATED CARDBOARD AND OTHER PAPER RECYCLABLES AWAY FROM THE LANDFILL, INCREASING CAPACITY OF THE FREE CITY RECYCLING DROP OFF SITES, IMPROVING DATA TRACKING ON RECYCLING, AND IMPLEMENTING A COMMUNITY WIDE RECYCLING EDUCATION CAMPAIGN - PRIOR to reading:

RAYBOULD Moved to delay Action 2 weeks to 8/15/16.

Seconded by Eskridge and carried by the following vote: AYES: Eskridge, Gaylor Baird, Raybould; NAYS: Camp, Christensen, Fellers, Lamm.

ESKRIDGE Moved Motion to Amend #2.

Seconded by Raybould.

GAYLOR BAIRD Asked Eskridge to cede the floor to Fellers. Eskridge agreed.

FELLERS Moved Motion to Amend #1 as follows:

1. Strike Section 2 from the Bill.
2. On page 11, Section 8, line 12, strike "contains, at a minimum." and replace said language with "shall contain only".
3. Strike any references to Section 8.32.040 in the Introduction and Section 10 of the Bill.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

ESKRIDGE Moved Motion to Amend #2 as follows:

1. ~~On page 8, line 6, strike "disposed" and insert "accepted by the City for disposal".~~
2. ~~On page 8, line 8, strike "disposed of" and insert "accepted by the City for disposal".~~
3. ~~On page 8, line 10, strike "disposed of" and insert "accepted by the City for disposal".~~

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4. On page 9, line 2, strike “other than a licensed waste hauler”.
5. On page 9, line 5-7, after the word “however” strike “no license shall be required for any property owner conveying recyclables from his or her own property or any business conveying recyclables generated by said business in the course of its business operations”.
6. On page 9, line 5, after the word “however” insert new subparagraphs (a) –(c)” to read as follows:
 - “(a) No licensed waste hauler shall be required to possess a recycling collector license to collect, haul, or convey recyclables;
 - (b) No license shall be required for any property owner hauling or conveying recyclables from his or her own property; and
 - (c) No license shall be required for any business hauling or conveying recyclables generated by said business in the course of its business operations.”
7. Add a new section to the Bill amending Section 8.32.205 to read as follows:

8.32.205 Garbage Service to be Provided.

The owner of every dwelling in the city shall provide for the collection and removal of solid waste by a licensed waste hauler at least once a week, subject to any exceptions or additional requirements provided by governing law. The owner of every dwelling containing more than two dwelling units shall provide for collection and removal of solid waste accumulated by occupants of such rented or leased dwelling by a licensed waste hauler at least twice every week. All owners shall be responsible and liable hereunder whether or not the said owner occupies or resides in the dwelling, and whether or not said dwelling is leased or rented to another. None of the requirements of this section shall constitute a duty on the part of any owner of a dwelling unit to provide for separate collection and removal of recyclables accumulated by the occupants of any rented or leased dwelling unit.
8. On page 12, line 20, after “8.32.010”, strike the word “and”, insert “,” and after “8.32.040”, insert “, and 8.32.205”.

Seconded by Raybould.

FELLERS Made a friendly Amendment to strike items 1, 2, and 3 from MTA #2.

Eskridge accepted the friendly Amendment.

Vote on MTA #2: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: Raybould.

CLERK Read an ordinance, introduced by Jane Raybould, amending Chapter 8.32 of the Lincoln Municipal Code relating to Solid Wasters by amending Section 8.32.010 to add additional definitions; by amending Section 8.32.040 to add new subsections (c), (d), and (e); and by adding new Sections 8.32.115, 8.32.135, 8.32.136, 8.32.137, 8.32.138, 8.32.139, and 8.32.225; and repealing Sections 8.32.010 and 8.32.040 as hitherto existing, the third time.

RAYBOULD Moved to pass the ordinance as amended.

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Fellers, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould.

The ordinance, being numbered **#20363**, is recorded in Ordinance Book 31.

RESOLUTIONS - 1ST READING

APPROVING THE ONE AND SIX YEAR STREET AND HIGHWAY PROGRAM, THE 2016-2018 CITY OF LINCOLN BIENNIAL BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FY 2016-2018. (ACTION DATE: 8/22/16)

APPROVING THE UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 5.41 SALVAGE, RECYCLING, AND COMPOSTING OPERATIONS, INCLUDING SALVAGE OPERATIONS; RECYCLING PROCESSING CENTER OPERATIONS; RECYCLING CENTER OPERATIONS; RECYCLING DROP-OFF OPERATIONS; AND COMMERCIAL COMPOSTING OPERATIONS. (ACTION DATE: 8/08/16)

APPROVING THE UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.06 AIR POLLUTION, INCLUDING OPEN BURNING PERMITS. (ACTION DATE: 8/08/16)

APPROVING THE UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.08 BODY ART ESTABLISHMENTS, INCLUDING BODY ART ESTABLISHMENT PERMITS; BODY ART PRACTITIONER PERMITS; AND REINSTATEMENT FEES. (ACTION DATE: 8/08/16)

APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.14 CHILD CARE PROGRAMS, INCLUDING PLAN REVIEW FOR NEW PROGRAMS; FEE FOR CERTIFICATE OF COMPLIANCE (INITIAL AND RENEWAL); AND SUSPENDED CERTIFICATE OF COMPLIANCE REINSTATEMENT FEE. (ACTION DATE: 8/08/16)

- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.20 LINCOLN FOOD CODE, INCLUDING FOOD ESTABLISHMENT PERMITS; MOBILE FOOD UNITS; FOOD CATERING SERVICES; TEMPORARY FOOD ESTABLISHMENTS; REINSTATEMENT FEES; AND FOOD HANDLER AND FOOD MANAGER PERMIT FEES. (ACTION DATE: 8/08/16)
- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.24 NOISE CONTROL ORDINANCE, INCLUDING NOISE VARIANCES. (ACTION DATE: 8/08/16)
- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.32 SOLID WASTES, INCLUDING SPECIAL WASTE PERMIT FEES. (ACTION DATE: 8/08/16)
- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.38 PUBLIC SWIMMING POOLS ORDINANCE, INCLUDING SWIMMING POOL PERMIT FEES; NEW PERMIT/PLAN REVIEW; RENEWAL, ADDITIONAL SPA; LINCOLN SWIMMING POOL OPERATOR; AND LINCOLN POOL WATER QUALITY TESTER CERTIFICATE FEES. (ACTION DATE: 8/08/16)
- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 8.44 WATER WELLS, INCLUDING WATER WELL CONSTRUCTION PERMITS; ANNUAL WATER WELL PERMITS; WATER WELL REPAIR PERMIT; AND VARIANCE APPLICATION. (ACTION DATE: 8/08/16)
- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 24.38 ONSITE WASTEWATER TREATMENT SYSTEMS, INCLUDING ONSITE WASTEWATER TREATMENT SYSTEM CONSTRUCTION PERMIT; ONSITE WASTEWATER SYSTEM REPAIR PERMIT; LIQUID WASTE HAULERS CLEANER'S PERMIT; REGISTRATION CERTIFICATE FOR MASTER INSTALLER, JOURNEYMAN INSTALLER, INSPECTOR, SOIL EVALUATOR, AND MULTIPLE CATEGORY; PERMIT EXTENSION FEE; VARIANCE FEE; REINSTATEMENT FEE; AND DEVELOPMENT AREA REVIEW FEES WHICH INCLUDES A BASE FEE, PER LOT FEE, AND A MAXIMUM COMBINED BASE AND PER LOT FEE. (ACTION DATE: 8/08/16)
- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 24.42 REGULATION OF PROPERTY TRANSFERS WITH ONSITE SYSTEMS CODE, INCLUDING EVALUATION AND REVIEW OF PROPERTY TRANSFER INSPECTOR REPORTS; AND PROPERTY TRANSFER INSPECTOR PERMIT FEES, WHICH INCLUDES ONSITE WASTEWATER TREATMENT SYSTEM PROPERTY TRANSFER INSPECTOR (OWWTS), ONSITE WASTE SUPPLY SYSTEM PROPERTY TRANSFER INSPECTOR (OWSS), OR BOTH THE OWWTS AND OWSS PERMITS. (ACTION DATE: 8/08/16)
- APPROVING UPDATED FEES ASSOCIATED WITH LINCOLN MUNICIPAL CODE CHAPTER 28.02 REGULATIONS FOR ILLICIT DISCHARGES, INCLUDING RIGHT OF ENTRY; INSPECTION AND DETECTION; AND INSPECTION FEES. (ACTION DATE: 8/08/16)
- ADOPTING THE PROPOSED AMENDED FEE SCHEDULE FOR APPLICATION REVIEWS UNDER CHAPTER 14.20, TITLE 26, AND TITLE 27 OF THE LINCOLN MUNICIPAL CODE AND AMENDMENTS TO THE LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, AND THE IMPLEMENTATION OF A PORTION OF THE FEE SUPPORTING TECHNOLOGY IMPROVEMENTS ASSOCIATED WITH APPLICATION REVIEWS AND COMPREHENSIVE PLAN AMENDMENT, WITH AN EFFECTIVE DATE OF OCTOBER 3, 2016. (ACTION DATE: 8/08/16)
- ADOPTING A NEW FEE SCHEDULE TO INCREASE THE LANDFILL USER FEE FROM \$17.75 PER TON TO \$20.75 PER TON, EFFECTIVE JANUARY 1, 2017 AND TO INCREASE THE LANDFILL USER FEE FROM \$20.75 PER TON TO \$23.75 PER TON, EFFECTIVE JANUARY 1, 2018. (ACTION DATE: 8/08/16)
- ESTABLISHING A NEW RATE SCHEDULE FOR CUSTOMERS OF THE LINCOLN WASTEWATER SYSTEM FOR PURPOSES OF COVERING THE SYSTEM'S OPERATIONAL AND MAINTENANCE COSTS INCLUDING DEBT SERVICE AND THE CAPITAL IMPROVEMENTS PROGRAM FOR FY 2016/2017 AND FY 2017/2018. (ACTION DATE: 8/08/16)
- ESTABLISHING A NEW RATE SCHEDULE FOR THE LINCOLN WATER SYSTEM FOR PURPOSES OF COVERING THE SYSTEM'S OPERATIONAL AND MAINTENANCE COSTS INCLUDING DEBT SERVICE AND THE CAPITAL IMPROVEMENTS PROGRAM FOR FY 2016/2017 AND FY 2017/2018. (ACTION DATE: 8/08/16)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

APPROVING THE CLOSE OUT OF COMPLETED CONSTRUCTION PROJECTS AND TRANSFER OF UNSPENT APPROPRIATIONS AND CASH (IF ANY) FROM VARIOUS PROJECTS TO PROJECTS WHERE ADDITIONAL FUNDING IS NEEDED WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT, THE PARKS & RECREATION DEPARTMENT, AND THE URBAN DEVELOPMENT DEPARTMENT - CLERK read an ordinance, introduced by Trent Fellers, an ordinance eliminating certain appropriations and approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Fund, Wastewater Fund, Street Construction Fund, and Solid Waste Fund for the Public Works & Utilities Department; within the General Revenue Fund for the City Libraries Department; within the Athletic Fee Fund for the Parks & Recreation Department; and within the Parking Facility Bond Series 2010B/2011 Fund and Parking Facilities Construction Fund for the Urban Development Department, the first time.

AMENDING SECTION 8.32.150 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE OCCUPATION TAX FROM \$11.00 PER TON TO \$12.00 PER TON, EFFECTIVE JANUARY 1, 2017 AND TO INCREASE THE OCCUPATION TAX FROM \$12.00 PER TON TO \$13.00 PER TON, EFFECTIVE JANUARY 1, 2018 - CLERK read an ordinance, introduced by Trent Fellers, an ordinance amending section 8.32.150 of the Lincoln Municipal Code relating to the occupation tax imposed on refuse haulers to increase said occupation tax, effective January 1, 2017 from \$11.00 to \$12.00 per ton, and effective January 1, 2018, from \$12.00 to \$13.00 per ton; and repealing Section 8.32.150 of the Lincoln Municipal Code as hitherto existing, the first time.

ADJOURNMENT

5:34 P.M.

CAMP Moved to adjourn the City Council Meeting of August 1, 2016.
 Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge,
Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

Teresa Meier, City Clerk

Monet J. McCullen, Office Specialist